

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
11/14/2002

11/07/2002

CLERK OF THE COURT
FORM R124A

HONORABLE BENJAMIN E. VATZ

E. Bacarella
Deputy

CR 2002-091229

FILED: _____

STATE OF ARIZONA

URSULA H GORDWIN

v.

ERIC CHARLES ANDERSON (A)
DOB: 08/07/1979

O JOSEPH CHORNENKY

CORRECTIONAL HEALTH SERVICES
D & C MATERIALS-SE
DISPOSITION CLERK-SE
VICTIM SERVICES DIV-CA-SE
JACK POTTS MD
221 E INDIANOLA
PHOENIX AZ 85012
JOANNE M BABICH PH D
240 W OSBORN RD
NUMBER 217
PHOENIX AZ 85013
JOHN MORAN PH D
7500 E MCDONALD
NUMBER 400A
SCOTTSDALE AZ 85250

DEFENDANT INCOMPETENT - A.R.S. Section 13-4510(C) -
SUBMISSION ORDER FOR RESTORATION TREATMENT

State's Attorney:	Charles Donofrio
Defendant's Attorney:	Joseph Chornenky
Defendant:	Present
Court Reporter:	Carrie Newman

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There is a written stipulation for submission to the Court of the matter of Defendant's competency based on the written reports by Dr. Potts dated 09/23/2002 and Dr. Babich dated 09/23/2002.

The report(s) having been considered,

THE COURT FINDS the Defendant is unable to understand the nature of the proceedings and/or is unable to assist counsel in Defendant's defense, and is therefore criminally incompetent pursuant to A.R.S. Section 13-4510.

THE COURT FURTHER FINDS that there is no clear and convincing evidence that the Defendant will not be restored to competency within 15 months pursuant to A.R.S. Section 13-4510(C).

THE COURT FURTHER FINDS that the Defendant is incompetent to refuse treatment and should be subject to involuntary treatment pursuant to A.R.S. Section 13-4511 and Section 13-4512(B).

IT IS ORDERED appointing the Superior Court's Forensic Services Unit as Clinical Liaison to coordinate the continuity of the Defendant's care and treatment.

IT IS FURTHER ORDERED that the Clinical Liaison shall, upon request of the Court, submit a report addressing the appropriateness of the form and location of treatment and the level of security to the Court no later than three judicial days prior to the status hearing.

IT IS FURTHER ORDERED that the Clinical Liaison have full access to treatment records and to the treatment/evaluation team ordered to restore the Defendant.

THE COURT FURTHER FINDS that confinement is not necessary for treatment and that the Defendant is not a likely threat to public safety.

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IT IS FURTHER ORDERED directing that the Defendant participate in, cooperate in, and complete the treatment program as set forth in the Treatment Plan submitted by Dr. Moran and approved by the Court on 11/07/2002 and that Dr. Moran shall provide the necessary treatment to restore the Defendant's competency as expeditiously as possible.

Furthermore, Dr. Moran shall submit to the Court a written status report stating the Defendant's progress and prognosis on 01/30/2003 and every 60 days thereafter until the Defendant is restored to competency. The report shall state the likelihood of restoration, the estimated time for restoration and whether treatment modification is recommended. If diagnosed competent, the report shall state what limitations are imposed by medications used to restore competency. When the Defendant is restored to competency or if it is concluded that Defendant will not regain competency, a written report shall be immediately submitted to the Court. The treatment facility shall submit its written report to the Court's Competency Calendar Administrator who shall provide copies to the prosecutor, defense counsel, and the Clinical Liaison.

IT IS FURTHER ORDERED that the treating facility shall immediately notify the Court's Competency Calendar Administrator (506-1509) if the Defendant is not cooperating in the treatment program.

IT IS FURTHER ORDERED that if the Court is advised that the Defendant is not cooperating in the treatment program, a Bench Warrant will be issued for his/her arrest.

IT IS FURTHER ORDERED setting a nonevidentiary Status Hearing on 02/06/2002 at 10:00 a.m. If the parties wish an evidentiary hearing, they are to contact the assigned Judge/Judge Pro Tem and request an evidentiary hearing.

IT IS FURTHER ORDERED that copies of the experts' reports and police reports are to be furnished to the Court's Competency Calendar Administrator who will cause them to be sent to the

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treatment provider to be used by the treatment provider in diagnosis and treatment and not to be released or copied without further Court order.

IT IS FURTHER ORDERED that the original report(s) of the mental health expert(s) shall be sealed and maintained in a confidential manner by the Clerk of the Superior Court; said report(s) are not to be disclosed to anyone except as provided for in A.R.S. Section 36-509.

SEALED AND FILED: Medical report(s) by the expert(s).

/S/ HONORABLE BENJAMIN E. VATZ

JUDICIAL OFFICER OF THE SUPERIOR COURT